

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
January 5, 2010

Lake Forest City Hall  
25550 Commercentre Drive  
Council Chambers  
Lake Forest, California 92630

PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is NOT intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.

CALL TO ORDER: 6:01 p.m.

ROLL CALL:	Council Members:	Kathryn McCullough Marcia Rudolph Mark Tetterer
	Mayor Pro Tem:	Richard T. Dixon
	Mayor:	Peter Herzog
	City Manager:	Robert C. Dunek
	City Attorney:	Scott C. Smith
	City Clerk:	Stephanie Smith

RECESS: City Council recessed at 6:01 p.m. for the purpose of conducting Closed Session business. Mayor Herzog joined the Closed Session at 6:30 p.m.

CLOSED SESSION (F: 16.3) 6:01 p.m.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
Existing Litigation  
Number of Cases: 8

City of Lake Forest v. De La Cuesta, et al. (Case No. 30-2009 00298887)

City of Lake Forest v. Power of Trinity, et al. (Case No. 30-2009 00298871)

City of Lake Forest v. GGECO, Inc., et al. (Case No. 30-2009 00298892)

City of Lake Forest v. Acquiport Three Corp., et al. (Case No. 30-2009 00298860)

City of Lake Forest v. New Amsterdam Cooperative, et al. (Case No. 30-2009-00310517)

City of Lake Forest v. OCMC, et al. (Case No. 30-2009 00298852)

City of Lake Forest v. Earth Cann Wellness Center, et al. (Case No. 30-2009 00313523)

City of Lake Forest v. Independent Collective of Orange County, et al. (Case No. 30-2009 00324525)

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
Existing Litigation  
Number of Cases: 4

City of Lake Forest v. Lake Forest Body Centre, Charlie Abujudeh, Julie Ho, Christine Vo & El Toro Plaza, L.P. (Case No. 07-CC11555)  
Charlie Abujudeh v. City of Lake Forest (Case No. 07-CC10334)  
Julie Ho v. City of Lake Forest (Case No. 30-2008-00107142)  
Doris Vo, et al. v. City of Lake Forest, et al. (Case No. 30-2008-00113132)

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Pursuant to Government Code Section 54956.9(b)  
Potential Cases: 2

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
Existing Litigation  
Number of Cases: 1

El Toro Materials Company v. City of Lake Forest, et al. (05CC06128)

5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code Section 54956.9(b)  
Number of Potential Cases: 1

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:55 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:02 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:02 p.m.

PLEDGE OF ALLEGIANCE: (F:26.21)

The Pledge of Allegiance to the Flag of our Country was led by Council Member McCullough.

CLOSED SESSION REPORT: (F:16.3)

City Attorney Smith stated there was one reportable action.

PRESENTATIONS:

6. COMMENDATION FOR AMANDA MORRELL AS THE 2009 PARKS & RECREATION CHAIRPERSON submitted by Director of Community Services. (F:55.4; X:23.5A)

ACTION: On motion by Council Member Tette mer and second by Mayor Pro Tem Dixon, the Council commended Amanda Morrell as the 2009 Parks & Recreation Commission Chairperson. MOTION UNANIMOUSLY CARRIED.

7. COMMENDATION FOR DAVID CARTER AS THE 2009 PLANNING COMMISSION CHAIRPERSON submitted by Director of Development Services. (F:55.4; X23.6A)

ACTION: On motion by Council Member Tette mer and second by Mayor Pro Tem Dixon, the Council commended David Carter as the 2009 Planning Commission Chairperson. MOTION UNANIMOUSLY CARRIED.

8. REPORT BY INVESTMENT OVERSIGHT REVIEWER QUARTER ENDED SEPTEMBER 30, 2009, submitted by Director of Finance/City Treasurer. (F: 30.10A)

ACTION: The City Council received and filed the report from Kathryn Beseau of Macias Gini & O'Connell LLP as submitted.

9. ORANGE COUNTY TRANSPORTATION AUTHORITY BUS SERVICE REDUCTION PLAN submitted by the Assistant to City Manager. (F: 71.12C)

ACTION: The City Council received the presentation by Orange County Transportation Authority (OCTA) staff.

#### CITY COUNCIL CEREMONIAL ITEMS

10. COMMENTS BY NEW MAYOR submitted by City Clerk. (F: 26.11)

ACTION: Mayor Herzog presented comments.

#### REPORT FROM STUDENT LIAISON: (F: 35.2A)

Nikki David, Student Liaison from El Toro High School, presented her report.

RECESS: City Council recessed at 7:50 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:51 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS: There were no public comments.

#### CONSENT CALENDAR - WARRANT REGISTER: (Item No. 11)

11. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$1,551,886.22. (F: 30.11)

Council Member Rudolph pulled the following warrant for separate consideration: CBC Restaurant Corp.

ACTION: On motion by Council Member Tetteimer and second by Council Member McCullough, the City Council approved the balance of

the warrant register as submitted. MOTION CARRIED WITH MAYOR PRO TEM DIXON ABSTAINING ON THE WARRANT PAYABLE TO SUNSET PROPERTY SERVICES.

ACTION: On motion by Council Member Rudolph and second by Mayor Pro Tem Dixon, the City Council approved the warrant payable to CBC Restaurant Corp as submitted. MOTION CARRIED UNANIMOUSLY.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 12-22) (Items 18, 21-22 pulled for separate consideration)

12. MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS WHICH APPEAR ON THE PUBLIC AGENDA SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED submitted by City Clerk.

ACTION: On motion by Council Member Tetteimer and second by Mayor Pro Tem Dixon, the City Council waived reading of Ordinances and Resolutions. MOTION UNANIMOUSLY CARRIED.

13. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON OCTOBER 20, 2009, submitted by City Clerk.

ACTION: On motion by Council Member Tetteimer and second by Mayor Pro Tem Dixon, the City Council approved the Minutes of the regular meeting of the City Council held on October 20, 2009, as submitted. MOTION CARRIED UNANIMOUSLY.

14. ADOPTION OF ORDINANCE 209 submitted by City Clerk. (F: 50.7C3)

ACTION: On motion by Council Member Tetteimer and second by Mayor Pro Tem Dixon, the City Council: 1. Conducted the second reading of Ordinance No. 209 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2008-06 AND AMENDING THE EL TORO PLANNED COMMUNITY (ZC 2008-06) as submitted. 2. Adopted Ordinance No. 209 as submitted. MOTION UNANIMOUSLY CARRIED.

15. ADOPTION OF ORDINANCE 210 submitted by City Clerk. (F: 50.7A2)  
(X:50.7C3)

ACTION: On motion by Council Member Tetteimer and second by Mayor Pro Tem Dixon, the City Council: 1. Conducted the second reading of Ordinance No. 210 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2009-04 AND ADOPTING THE LIGHT INDUSTRIAL AREA DESIGN GUIDELINES as submitted. 2. Adopted Ordinance No. 210 as submitted. MOTION UNANIMOUSLY CARRIED.

16. ADOPTION OF ORDINANCE 211 submitted by City Clerk. (F:50.11)  
(X:50.17)

ACTION: On motion by Council Member Tetteimer and second by Mayor Pro tem Dixon, the City Council: 1. Conducted the second reading of Ordinance No. 211 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2009-03, TO AMEND CHAPTER 9.184 OF THE MUNICIPAL CODE AND ADOPT THE CITYWIDE DESIGN GUIDELINES (ZC 2009-03) as submitted. 2. Adopted Ordinance No. 211 as submitted. MOTION UNANIMOUSLY CARRIED.

17. SIX MONTH NOTICE OF CONTRACT EXPIRATION FOR GRAFFITI REMOVAL AND STEAM CLEANING SERVICES submitted by Director of Public Works/City Engineer. (F: 34.5)

ACTION: On motion by Council Member Tetteimer and second by Mayor Pro Tem Dixon, the City Council received and filed the six month Notice of Contract Expiration for graffiti removal and steam cleaning services. MOTION UNANIMOUSLY CARRIED.

18. FIRST AMENDMENT TO AGREEMENT FOR STREET SWEEPING SERVICES submitted by Director of Public Works/City Engineer. (F: 64.5A)

ACTION: On motion by Council Member Tetteimer and second by Council Member McCullough, the City Council: 1. Approved the First Amendment to Agreement for Street Sweeping Services with Jonset Corporation dba Sunset Property Services, substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the agreement amendment. MOTION CARRIED WITH MAYOR PRO TEM DIXON ABSTAINING.

19. NOTICE OF COMPLETION FOR ASPHALT OVERLAY OF VARIOUS RESIDENTIAL STREETS (PW 2007.17D.1) submitted by Director of Public Works/City Engineer. (F: 64.4A PW2007.17D.1)

ACTION: On motion by Council Member Tetterer and second by Mayor Pro Tem Dixon, the City Council: 1. Found that RJ Noble of Orange, California, has completed construction of the Asphalt Overlay of Various Residential Streets Project (PW 2007.17D.1). 2. Approved the Notice of Completion and authorized the Mayor to execute the document on behalf of the City. 3. Authorized the City Clerk to submit said Notice of Completion for recordation to the Office of the County Recorder of Orange County, within ten days of the City Council approval, as required by Section 3093 of the California Civil Code. 4. Authorized payment to the contractor of the ten percent retention, in the amount of \$19,855.90, 35 days after the recording date of the Notice of Completion, providing no Stop Notices are on file with the City preventing the release of the final payment. MOTION UNANIMOUSLY CARRIED.

20. APPROVAL OF FINAL TRACT MAP NO. 16886 submitted by Director of Public Works/City Engineer. (F:50.16) (X:37.4)

ACTION: On motion by Council Member Tetterer and second by Mayor Pro Tem Dixon, the City Council: 1. Adopted Resolution No. 2010-01 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 16886, CREATING A 29-NUMBERED AND 8-LETTERED LOT SUBDIVISION FOR SINGLE FAMILY RESIDENTIAL PURPOSES ON 6.07 ACRES LOCATED ON THE NORTH SIDE OF OSTERMAN ROAD, EAST OF PITTSFORD DRIVE as submitted. 2. Approved the Subdivision Improvement Agreements for survey monumentation and off-site public improvements in the form attached with Lake Forest Summit Crest, LLC, a California Limited Liability Company. 3. Approved the abandonment of a portion of the old Osterman Road right-of-way to be superseded by the new realigned Osterman Road. 4. Authorized the Mayor to sign and the City Clerk to attest the Subdivision Improvement Agreements for survey monumentation and off-site public improvements. MOTION UNANIMOUSLY CARRIED.

21. APPROVE CONSULTANT SELECTION AND AGREEMENT FOR ALTON PARKWAY DESIGN SERVICES (PW 2009.02D) submitted by Director of Public Works/City Engineer. (F:66.12)

ACTION: On motion by Council Member Tetterer and second by Council Member McCullough the City Council: 1. Approved the selection of RBF for professional services for the Alton Parkway Design Services project (PW 2009.02D). 2. Authorized the Mayor to execute an agreement with RBF, substantially in the form submitted. MOTION UNANIMOUSLY CARRIED.

22. AWARD OF CONTRACT FOR RANCHO PARKWAY IMPROVEMENT PROJECT (PW 2009.06) submitted by Director of Public Works/City Engineer. (F:66.14)

ACTION: On motion by Council Member Tetterer and second by Council Member McCullough the City Council: 1. Approved the selection of Psomas for professional services for the Rancho Parkway Improvement project (PW 2009.06). 2. Authorized the Mayor to execute an agreement with Psomas, substantially in the form submitted. MOTION UNANIMOUSLY CARRIED.

PUBLIC HEARING(S):

23. AMENDMENT TO CHAPTER 9.164 (SIGN CODE) OF THE LAKE FOREST MUNICIPAL CODE submitted by Director of Development Services. (F: 50.3I)

ACTION: On motion by Council Member McCullough and second by Council Member Tetterer, the City Council continued to the regular City Council Meeting of February 16, 2010, the Public Hearing to introduce for first reading an Ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTER 9.164 OF THE LAKE FOREST MUNICIPAL CODE (ZC 2009-01). MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

24. LAKE FOREST TRANSPORTATION MITIGATION PROGRAM BASELINE ADJUSTMENT IMPLEMENTATION PERIOD ORDINANCE submitted by the City Attorney. (F: 50.11C)

ACTION: On motion by Council Member McCullough and second by Mayor Pro Tem Dixon, the City Council: 1. Introduced for first reading an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 7.19.030(C) OF THE LAKE FOREST MUNICIPAL CODE RELATING TO

THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM  
BASELINE ADJUSTMENT IMPLEMENTATION PERIOD as submitted.  
MOTION UNANIMOUSLY CARRIED.

25. 2010 LEGISLATIVE PLATFORM submitted by Assistant to the City  
Manager. (F: 72.2B)

ACTION: On motion by Mayor Pro Tem Dixon and second by Council  
Member Rudolph, the City Council adopted the 2010 Legislative Platform  
as submitted. MOTION UNANIMOUSLY CARRIED.

26. LEGISLATIVE AND REGULATORY MATTERS submitted by the  
Assistant to City Manager. (F: 72.2B)

ACTION: The City Council received and filed the report with minute  
action to adopt various positions as recommended.

27. ANNUAL CITY COUNCIL APPOINTMENTS TO BOARDS,  
COMMITTEES, COMMISSIONS, AND AGENCIES submitted by City  
Clerk. (F: 23.2)

ACTION: On motion by Council Member Rudolph and second by Mayor  
Pro Tem Dixon, the City Council confirmed the existing appointments for  
outside Board, Commission, Committee, and Agency representation.  
MOTION UNANIMOUSLY CARRIED.

28. REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS,  
COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF  
CALIFORNIA CITIES submitted by City Clerk. (F: 43.4B)

ACTION: The City Council made no appointments.

#### CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Tetteimer offered comments.

Mayor Pro Tem Dixon offered comments.

Mayor Herzog offered no comments.

CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: (F:26.8) 8:41 p.m.